

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 06-7339 CW

THOMAS FERNANDEZ, LORA SMITH, and
TOSHA THOMAS, individually and on
behalf of a class of all other
persons similarly situated,

Plaintiffs,

v.

K-M INDUSTRIES HOLDING CO., INC., et
al.,

Defendants.

ORDER GRANTING IN
PART PLAINTIFFS'
MOTION FOR LEAVE TO
FILE UNDER SEAL
(DOCKET NO. 108)

Plaintiffs have moved for leave to file under seal portions
their motion for class certification and appointment of class
counsel, as well as portions of Exhibits 2, 3, 4, 5, 7, 8, 9, 12
and 15 to the supporting declaration of Kirsten G. Scott. These
documents contain information that Defendants have designated as
confidential. Plaintiffs have filed redacted versions of all of
the documents.

Because the public interest favors filing all court documents
in the public record, any party seeking to file a document under

1 seal must demonstrate good cause to do so.¹ This cannot be
2 established simply by showing that the document is subject to a
3 protective order, but rather must be supported by a sworn
4 declaration demonstrating with particularity the need to file each
5 document under seal. See Local Rule 79-5(a). If good cause exists
6 only to file portions of a particular document under seal, a
7 redacted version of the document must be filed in the public
8 record. Local Rule 79-5(c).

9 Defendants have filed a declaration in support of Plaintiffs'
10 request. In the declaration, Defendants withdraw the designation
11 of confidentiality with respect to Exhibits 4 and 12. With respect
12 to Exhibits 2, 5 and 9, Defendants seek redaction of less
13 information than Plaintiffs have redacted. Defendants have
14 established that the remainder of the information in these
15 exhibits, as well as the redacted information in Exhibits 3, 7, 8
16 and 15, concerns sensitive financial information for which good
17 cause exists to file under seal.

18 Accordingly, Plaintiffs' motion for leave to file under seal
19 is GRANTED IN PART. The clerk shall file under seal Plaintiffs'
20 motion for class certification and Exhibits 2, 3, 5, 7, 8, 9 and 15
21 to the Scott Declaration.

22 Plaintiffs shall file Exhibits 4 and 12 in the public record.
23 They shall also file in the public record versions of Exhibits 2, 5
24 and 9 that are redacted per Defendants' updated designations. All
25 five of these exhibits shall be filed via ECF under a single docket
26

27 ¹A "compelling interest" standard applies to documents filed
28 in support of or opposition to a dispositive motion. Pintos v.
Pac. Creditors Ass'n, 504 F.3d 792, 801-03 (9th Cir. 2007).

1 entry with a title substantially similar to, "Exhibits 2, 4, 5, 9
2 and 12 to the Declaration of Kirsten G. Scott in Support of
3 Plaintiffs' Motion to Certify Class (Docket No. 104)."

4 IT IS SO ORDERED.

5
6 Dated: 6/12/08



CLAUDIA WILKEN
United States District Judge